

PB# 82-21

**Vincent & Angelo
Pomarico**

Pomario, Vincent Subdivision
Angelo 82-21

General Receipt

4998

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

Oct. 13 1982

Received of Vincent Pomarico \$ 25⁰⁰/₁₀₀Twenty Five and ⁰⁰/₁₀₀ DOLLARSFor Application Fee Subdivision 82-21 c.c.

DISTRIBUTION

FUND	CODE	AMOUNT
Check	25.00	

By Pauline H. Townsend c.c.Town Clerk

General Receipt

5045

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

Dec. 22 1982

Received of Angelo Pomarico \$ 25⁰⁰/₁₀₀Twenty Five and ⁰⁰/₁₀₀ DOLLARSFor Public Hearing 12/8/82

DISTRIBUTION

FUND	CODE	AMOUNT
\$25.00 Check		

By Pauline H. Townsend c.c.Town Clerk

General Receipt

5121

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

March 24 1983

Received of Angelo - Vincent Pomarico \$ 75.00Seventy Five and ⁰⁰/₁₀₀ DOLLARSFor Sub Division - 82-21

DISTRIBUTION

FUND	CODE	AMOUNT
#139 Check	37.50	
#191 Check	37.50	

By Pauline Townsend
Town Clerk

Title

Pomaria, Vincent, Subdivision -
Angelo 82-21

Approved 3/8/83

Given to Town Clerk
7/6/83 ph

Memo

FROM:

OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR

555 UNION AVENUE

NEW WINDSOR, NEW YORK 12550

TO:

Pommarico Brothers

DATE: January 17, 1982²

SUBJECT:

Pommarico Subdivision #82-21

—FOLD HERE—

Gentlemen:

At the December 22, 1982 meeting of the Planning Board
your subdivision #82-21 was granted preliminary approval.

The Board is now waiting for D. E. C. review and comments.

Very truly yours,

Wank

HENRY VAN LEEUWEN
Chairman

HVL/s

by _____

PUBLIC NOTICE OF HEARING
BEFORE THE PLANNING BOARD
OF THE TOWN OF NEW WINDSOR

Pursuant to Town of New Windsor Subdivision
(2)(c)
Regulations, Section 4.B., a Public Hearing will be
held at the Office of the Planning Board, Town Hall,
555 Union Avenue, Town of New Windsor on WEDNESDAY
the 8th day of December, 1982 at
7:30 o'clock in the evening to consider the site
plan of POMARICO BROTHERS for
a proposed Fourteen (14) lot sub-
division on the site of approximately seventy-eight (78)
acres situated on the west side of Jackson Avenue

By order of the Planning Board of the Town of
New Windsor, Orange County, State of New York;

Dated: November 19, 1982

HENRY VAN LEEUWEN

Chairman..

by Shirley B. Gascioneufel
Recording Secretary

VINCENT POMARICO
BUILDING ACCOUNT
1027 UNION AVE.
NEWBURGH, NY 12550

196

March 16 1983

50-1772
219

PAY TO THE
ORDER OF

Town of New Windsor.

\$ 15.00

00

Fifteen Hundred.

DOLLARS

CTC

UNION AVENUE OFFICE
The Columbus Trust Company
NEWBURGH, N. Y. 12550

MEMO

Jackson Ave Property Sub Division Vincent Pomarico

⑆021901777⑆ ⑈201 09491⑈ 0196

ANGELO WM. POMARICO
NANCY POMARICO

307 ROUTE 17K

NEWBURGH, N. Y. 12550

438

3/15/83

19

50-177/219

PAY TO THE
ORDER OF

Town of New Windsor

\$

1500.00

Fifteen Hundred Dollars

DOLLARS

THE C
NOW
ACCOUNT

UNION AVENUE OFFICE
The Columbus Trust Company
NEWBURGH, N. Y. 12550

FOR

Jackson Ave Property

Angelo Wm Pomarico
Nancy Pomarico

⑆021901777⑆ ⑈209 30748⑈ 0438

Recd 3/21/83
from Lately

Date 10/12/82

Application No. 82-21

APPLICATION FOR SUBDIVISION APPROVAL
Town of New Windsor, 555 Union Avenue, Orange County, N.Y.
Tel: 565-8808

Application is hereby made for subdivision of lands situated in the Town of New Windsor and described as follows:

1. Name of subdivision Vincent + Angels Pomarico Sub-Division
2. Location South Jackson Ave
3. Acreage 78
4. Number of lots 14
5. Zone Residential
6. Name & address of subdivider Vincent + Angels Pomarico
7. Name & address of record owner of land Vincent + Angels Pomarico
8. Present and intended uses Vacant Land

The undersigned applies for subdivision approval of the above described lands under the rules and procedure of the "Land Subdivision Regulations of the Town of New Windsor" as duly authorized by the Town Board of New Windsor, New York. Upon approval of the Preliminary Layout of said subdivision the applicant agrees to install such utilities as are required and to complete the streets as finally approved by the Planning Board or in lieu of this to post a performance bond as set forth and provided in the "Land Subdivision Regulations". Copies of the Preliminary Layout are hereby attached.

Compliance with requirements shall be the sole responsibility of the applicant or his representative and it is suggested a copy of the Subdivision Regulations be obtained to avoid rejection of the plans. Seven (7) copies of the plans are required.

Fees are due and payable upon submission of the preliminary plans. All checks are to be made payable to the Town of New Windsor.

Application Fee \$25.00

Signature of applicant Vincent Pomarico

approve

PRIVATE ROAD MAINTENANCE DECLARATION

Declaration dated the day of December, 1982 is intended to refer to a subdivision in the Town of New Windsor, County of Orange, State of New York, subdivided by A. WILLIAM POMARICO, residing at No. 307 Route 17K, Town of Newburgh, Orange County, New York and VINCENT POMARICO, residing at No. 1027 Union Avenue, Town of Newburgh, Orange County, New York, (hereinafter referred to as "POMARICO") said subdivision plat being dated October, 1982 and last revised on

W I T N E S S E T H :

WHEREAS, POMARICO has heretofore subdivided certain real property on Jackson Avenue in the Town of New Windsor, County of Orange, State of New York into fourteen (14) lots, and

WHEREAS, there is or will be a private road between Jackson Avenue and Lots 9, 10, 11, 12, 13 and 14, on the aforesaid subdivision, and

WHEREAS, it is in the best interest of all parties who will own the aforesaid lots to have an Agreement that sets forth the intent to maintain the private road in a passable condition and sets forth the distribution of expenses for the repair and maintenance of said road, and

WHEREAS, POMARICO is now the owner in fee simple absolute of all fourteen (14) lots shown on the aforesaid subdivision plat, and

WHEREAS, these obligations will be assumed by the owners of each of the lots in this subdivision, and

WHEREAS, it is the intention of POMARICO to file this declaration and make the provisions of this declaration binding upon the lot owners set forth above or any other lot owners who may eventually use the private road.

It is hereby declared as follows:

1. POMARICO will refer to this declaration in the deeds conveying title to Lots No. 9, 10, 11, 12, 13, and 14 on the plat and will cause future owners of these lots to assume the obligations hereunder upon acceptance of title to the respective lots.

2. The owners of the respective lots shall meet at least semi-annually to determine what maintenance shall be done on the road for the coming year. The owners shall also agree on a method of determining when Contractors shall be requested to perform maintenance on the private road, remove snow or apply sand when snow or ice conditions prevail.

3. All decisions for improvement and or maintenance of the private road shall be made by a majority vote of the lot owners present who have been issued building permits. Lot owners who have not obtained a building permit are not eligible to vote and are not responsible for any portion of the maintenance expense. A majority vote shall be required for all work to be performed.

4. The owner of the first lot obtaining a building permit for a residence or dwelling shall have the responsibility of chairing the first meeting of the Lot owners and arranging for the first meeting of the lot owners. This individual shall be referred to as "Manager". The lot owners shall elect annually an individual to act as the Manager.

5. Each lot owner shall be responsible for and have (1) vote concerning any maintenance performed on the road. Each lot owner shall be responsible for the proportion of expense that his or her vote has to the entire number of votes eligible to be cast.

6. The Manager of the road shall receive notification of any sums that may be due and owing from the owners of the lots for the maintenance of the road. Upon receipt of an invoice for an expense of the road, the Manager shall immediately notify the respective owners of the total amount of the invoice and their proportionate share of the expense. Within fifteen days of the receipt of this notification, the respective lot owner shall forthwith deliver a check, made payable to the Contractor, to the Manager who in turn shall contribute his share of the expense and forward all checks to the Contractor in full satisfaction of this obligation.

7. Upon taking title by delivery a Deed to a subdivision lot, each lot owner shall immediately become liable for his or her share of the obligations pursuant to this Agreement.

8. In the event one of the lot owners fails to forward his proportionate share of the expense within fifteen days as set forth above, the Manager shall be authorized to forward the portion of the invoice that has been paid to the Contractor with a statement setting forth the proportionate share that remains unpaid and the lot owner that has not paid his share. The lot owner who has not paid his proportionate share shall subject his real property to the lien of the Contractor as if he had executed the Contract for the performance of the work. For the purpose of this declaration, each lot owner who is affected by this Agreement hereby gives his or her authorization, and by accepting a Deed to the respective lot, does hereby accept the condition that a majority vote shall be sufficient to authorize the performance of work and that the acts of the Manager in carrying out the directive of the lot owners shall be done by the Manager as an Agent of the lot owners and the lot owners consent to his actions and agree to be bound by them.

9. Unless otherwise agreed among the lot owners, it is hereby declared that in the event the accumulation of snow exceeds four inches in depth, as the average depth, the

Manager is authorized to engage a Contractor to remove the snow from the Right of Way without further authorization from the lot owners.

10. All lot owners agree that the road shall always be maintained so as to be passable by ordinary passenger vehicle and this shall include any "potholes" that exceed four inches in depth and grading the road when the difference in elevation of all portions of the traveled area exceeds six inches.

Dated: December , 1982

A. WILLIAM POMARICO

VINCENT POMARICO

STATE OF NEW YORK:
: ss.
COUNTY OF ORANGE :

On the day of December, 1982, before me came A. WILLIAM POMARICO, to me known to be the individual described in, and who executed the foregoing instrument, and acknowledged to me that he executed the same.

Notary Public

STATE OF NEW YORK:
: ss.
COUNTY OF ORANGE :

On the day of December, 1982, before me came VINCENT POMARICO, to me known to be the individual described in, and who executed the foregoing instrument, and acknowledged to me that he executed the same.

Notary Public

21 South Putt Corners Road
New Paltz, New York 12561-1696
914-255-5453

Planning Bd.
received 3/9/83
sh

Henry G. Williams
XXXXXXXXXXXXXXXXXX

February 25, 1983

Mr. Vincent Pomarico
1027 Union Avenue
Newburgh, NY 12550

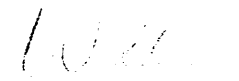
Re: Angelo and Vincent Pomarico Subdivision
12 Lots - Jackson Avenue & Lake Road

Dear Mr. Pomarico:

We have completed our review of the above subdivision plan prepared by Ronald A. Washburn and dated February 10, 1983. This plan accurately identifies our jurisdiction under Article 24 of the Environmental Conservation Law (Freshwater Wetlands Act). Further, the referenced plan incorporates our prior recommendations in a manner which reasonably ensures the protection of the freshwater wetlands on this site. As such, we find the subdivision design, as it relates to our area of responsibility and statutory jurisdiction, to be fully acceptable.

Please do not hesitate to contact me if you require additional information or assistance. Thank you.

Sincerely,


William E. Steidle
Alternate Regional Permit Administrator
Region 3

WES:sp

cc: P. V. Cuomo, New Windsor Town Engineer (w/plan)

County of Orange

COUNTY CLERK'S OFFICE

*Planning Bd.
received 3/23/83
ph.*

Orange County Government
Center



Goshen, New York 10924

MARION S. MURPHY

County Clerk

Tel. (914) 294-5151

Date March 17, 1983

Chairman of Planning Board

Town of New Windsor

Dear Mr. Henry Van Leeuwen :

In compliance with the Town Planning Law, this is to notify
you that the Plan of Subdivision for Angelo & Vincent Pomarico

, Town of New Windsor

dated 02/10/83 and approved by you on 03/09/83

was filed in our office on 03/17/83 as Map number 6164.

With kindest regards, I am

Very truly yours,

Marion S. Murphy
County Clerk

By:

Shirley B. Hadden
Acting Deputy County Clerk

NEW WINDSOR PLANNING BOARD PUBLIC HEARING
TOWN HALL
WEDNESDAY, DECEMBER 8, 1982 7:30 P.M.

BOARD MEMBERS PRESENT: CHAIRMAN HENRY VAN LEEUWEN, LAWRENCE JONES,
ERNEST SPIGNARDO, PHILIP INFANTE, HENRY REYNOLDS
AND HENRY SCHEIBLE.
BOARD MEMBERS ABSENT: CARL SCHIEFER
OTHERS PRESENT: PLANNING BOARD ATTY. -PHILIP CROTTY JR.
PLANNING BOARD ENGINEER -PAUL V. CUOMO
BLDG. & ZONING INSPECTOR - PATRICK KENNEDY
COUNTY LEGISLATOR -DINO SCIAMANNA
PLANNING BOARD SECRETARY -SHIRLEY B. HASSDENTEUFEL

Tape 262 Side A

Chairman Van Leeuwen called the Public Hearing to order promptly at 7:30 p.m. and presided over same.

Chairman Van Leeuwen asked the secretary to read the Legal Ad published in the The Sentinel (the official Town paper).
Hearing no objections, so ordered.

The secretary read the Legal Ad published in the Sentinel and also the registered letters sent by the Pommerico Brothers to the property owners.

Chairman Van Leeuwen called upon the Pommerico Brothers to discuss their subdivision.

Mr. Pomerico: There are fourteen (14) lots in this subdivision. My brother and I have owned the property for quite a few years. We would like to make lots and sell them. We are not going to build and then sell. We are selling the lots.

Chairman Van Leeuwen: I am going to open this up to the audience so if there is someone that would like to ask questions.

Mr. Kerkowski: We would like to know where the homes are. Where is the water coming from? How will it effect the wetlands?

Mr. Pommerico: We are isolating the wet lands. There will be wells. There will be leach fields 100 feet from the wells.

Mr. Kerkowski: Rhe road going North is that where you propose to build?

Mr. Pommerico: We don't own those two (2) parcels.

Mr. Kerkowski: The marsh that starts at Jackson Avenue going towards Kimballs is all swampy until you come to hills. Are you filling in for the roads?

Chairman Van Leeuwen: Driveways.

Mr. Wheat: When water comes up, I am directly across from stream. I own one (1) acre. What are you going to do about the water? It raises eight (8) railroad ties high. Are you building drainage ditches? It will all go in that stream.

Mr. William Steidle: I would like to present a letter to the Board. I support the project. I believe there are some problems. Lot #1 consists of freshwater wetlands. It is poorly drained. It is unsuited for a septic system.

Lot #2 is somewhat better. Most is fresh water wetlands.

Lot #4 and lot #5 - Front of lots - consists of fresh water wetlands.

Lot #12 - does not meet size.

I don't believe that these problems can't be resolved.

Note: This letter is Attachment #1.

Mr. Steidle stated his suggestions in the letter.

Mr. Larry Rosini: (Beaver Dam) Is the road going to be constructed to Town specifications?

Chairman Van Leeuwen: There will be a 50 ft. right a way There will be a shale cover.

Mr. Rosini: I would like to echo Mr. Steidles words and hope the Board takes this into consideration.

Chairman Van Leeuwen: If there are no further questions from the Audience or the Board I declare this Public Hearing officially closed.

Mr. Pommerico and Mr. Pommerico, the Board will take everything into consideration and you will be notified.

There is a \$25.00 fee payable to the Town of New Windsor for this Hearing. Meeting adjourned 8:10 p.m. Respectfully submitted,

Shirley B. Hassdenteufel
SHIRLEY B. HASSDENTEUFEL
Recording secretary

Shirley B. Hassdenteufel

[Handwritten signature]

[Handwritten initials]

PAGE 1

December 7, 1982

WILLIAM E. STEIDLE
RD#2, JACKSON AVENUE
NEW WINDSOR, NEW YORK 12550

TOWN OF NEW WINDSOR PLANNING BOARD
TOWN HALL
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550

Re: POMARICO SUBDIVISION
JACKSON AVENUE & LAKE ROAD

DEAR CHAIRMAN AND MEMBERS OF THE PLANNING BOARD:

ALTHOUGH I SUPPORT THE CONCEPT OF THE ABOVE PROPOSED SUBDIVISION, INCLUDING THE ROADWAY LOCATION AND LAYOUT OF MANY OF THE LOTS, I FEEL COMPELLED TO DISCUSS SEVERAL PROBLEMS ASSOCIATED WITH THE PROPOSAL. THE FOLLOWING IDENTIFIES THE MAJOR AREAS OF CONCERN BY THE LOT NUMBER REFERENCED ON PLANS DATED OCTOBER, 1982:

LOT #1: THE ENTIRE LOT CONSISTS OF FRESHWATER WETLANDS AND ADJACENT AREA (100 FOOT BUFFER AREA) WHICH IS SUBJECT TO THE JURISDICTION OF THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION UNDER THE FRESHWATER WETLANDS ACT OF 1975 (SEE ATTACHED MAP). AS ONE MIGHT EXPECT, CONSIDERING ITS DESIGNATION AS A PROTECTED FRESHWATER WETLAND, THE LOT CONSISTS OF POORLY DRAINED PONDING SOILS. IN MY OPINION THIS LOT IS TOTALLY UNSUITED FOR THE CONSTRUCTION OF A DWELLING, SEWAGE DISPOSAL SYSTEM AND RELATED FACILITIES AND UNDER NO CIRCUMSTANCES SHOULD BE APPROVED AS A BUILDING LOT AS PRESENTLY DESIGNED. I BELIEVE THAT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION WILL CONCUR.

LOT #2: ONLY A RELATIVELY SMALL AREA ADJOINING JACKSON AVENUE CONSISTS OF UPLAND WHICH IS OUTSIDE OF THE FRESHWATER WETLAND AND 100 FOOT BUFFER ZONE. ALTHOUGH BETTER THAN LOT #1 CAREFUL CONSIDERATION SHOULD BE GIVEN TO ENSURING SUITABLE BUILDING AREA AND SOIL CONDITIONS SO AS NOT TO AFFECT THE FRESHWATER WETLAND AND ASSOCIATED FLOODPLAIN.

LOTS # 4+5: ACCESS TO THESE LOTS SHOULD BE GIVEN CONSIDERATION SINCE THE ROAD FRONTAGE CONSISTS OF PROTECTED FRESHWATER WETLANDS. AGAIN THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SHOULD CONTACTED AND MUST ISSUE THE NECESSARY PERMITS PRIOR TO CONSTRUCTION.

LOT #6: THIS RELATIVELY SMALL LOT INCLUDES THE MAJOR TRIBUTARY TO BEAVER DAM LAKE AND ASSOCIATED FLOODPLAIN (SEE ATTACHED MAP). ALL OF THE LOT IS LOW LYING AND CONSISTS ENTIRELY OF POORLY DRAINED SOILS. THE LOT LAYOUT MAKES IT VIRTUALLY IMPOSSIBLE TO MAINTAIN THE REQUIRED 100 FOOT SEPARATION BETWEEN THE STREAM AND SEWAGE DISPOSAL SYSTEM. ADDITIONALLY, THE SETBACK REQUIREMENTS UNDER THE FRESHWATER WETLANDS ACT CANNOT BE ACHIEVED. THIS SHOULD NOT, IN MY OPINION, BE CONSIDERED AS A SUITABLE BUILDING LOT.

LOT # 12: ALTHOUGH OF LITTLE PARTICULAR CONCERN TO ME THIS LOT DOES NOT MEET THE MINIMUM FRONTAGE REQUIRED UNDER THE EXISTING ZONING ORDINANCE.

I BELIEVE THAT THE ABOVE PROBLEM AREAS CAN BE

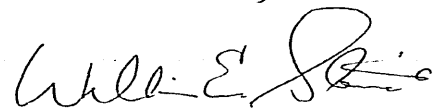
MUTUALLY RESOLVED AND, AS SUCH, I OFFER THE FOLLOWING RECOMMENDATIONS:

1. THE PLAN SHOULD BE REVISED SO AS TO ENSURE THAT EACH AND EVERY LOT HAS SUITABLE CONDITIONS AND BUILDABLE AREA TO ACCOMMODATE THE INTENDED USE.
2. THE PLAN SHOULD BE FORWARDED TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR REVIEW AND APPROVAL PRIOR TO ANY FINAL ACTION BY THE BOARD.
3. THE PLAN SHOULD IDENTIFY THE BOUNDARY OF THE FRESHWATER WETLAND AS IDENTIFIED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

H. A PLAN NOTE SHOULD BE ADDED TO THE FINAL PLAN ADVISING THAT ANY CONSTRUCTION ACTIVITIES WITHIN THE FRESHWATER WETLAND OR ADJACENT 100 FEET REQUIRES THE APPROVAL OF THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION UNDER ARTICLE 24 OF THE ENVIRONMENTAL CONSERVATION LAW (FRESHWATER WETLANDS ACT).

I FULLY ANTICIPATE THAT YOUR CAREFUL REVIEW AND THE EXPECTED COOPERATION OF THE SPONSOR WILL RESULT IN A FINAL PLAN WHICH WILL BE BENEFICIAL TO THE TOWN OF NEW WINDSOR AND ITS FUTURE RESIDENTS. THANK YOU FOR YOUR CONSIDERATION IN THIS MATTER.

SINCERELY,



WILLIAM E. STEIDKE.

Washburn Associates
41-32 Route 84
New Windsor, N.Y.

Record Owner & Subdivider
Angelo Pomarico
Vincent Pomarico
1027 Union Ave.
Newburgh, N.Y.

Applicable Zoning
R-4-A - Suburban Residential
Total Area: 78.20 Acres

Town of New Windsor
Tax Map Section 54
Block 1 Lot 32

